

REMARKS

Claims 1 through 65 were pending in the application. With this Amendment, claim 1 is the sole independent system claim, with claims 2 through 7, 9 through 12, 22, 24, and 26 depending therefrom. Claim 27 is an independent method claim, with claims 28 through 33, 35, and 36 depending therefrom. Claim 51 is an independent method claim in its original form with claims 52 through 57 depending therefrom.

As amended herein, the electronic rebate system of claim 1 calls for the first computer to be configured to communicate with a second computer in order to transfer to the second computer the rebate claim information substantially contemporaneous with the customer's purchase. The second computer is, in turn, configured to process and validate a rebate claim associated with the purchase using the rebate claim information. The second computer is also configured to transfer rebate claim status information to the first computer, with the first computer configured to communicate this status information to the customer. The method of independent claim 27 is similarly amended and calls for configuring the second computer to process and validate the rebate claim using the rebate claim information, and to transfer rebate claim status information to the first computer. The first computer is further configured to communicate the rebate claim status information to the customer.

Applicant respectfully submits that the relevant rejection of the claims as presently amended is the §103 obviousness rejection based on Moskawitz '002 in combination with Packes '983, as was applied in the Office Action against former claim 8. This rejection is respectfully traversed as follows.

The system and method of Moskawitz '002 is aimed at facilitating customer evaluations of products. The particular products are scanned, and using the scanned information, a product evaluation form is obtained from the server 410 (identified by the Examiner as the "second computer"). The client computer 406 retrieves the product evaluation form from the server 410 and presents it to the user. A bar code 416 provided on a receipt for purchase of the product may contain information about the product that is automatically entered into the product information form, thus saving the user time in supplying product evaluation information and encouraging users who would otherwise not provide such information because of the time and nuisance of doing so. Moskawitz '002 further teaches that, to further entice users to provide product evaluation information, a reward may be offered upon completion of the evaluation form. This reward may be, for example, a coupon, discounts on products, frequent flyer miles, a cash rebate, or non-monetary prize. The important distinction is that the "rebate" is not a true manufacturer's rebate, but is merely a reward or inducement to complete the product evaluation form. The rebate or other reward is not given to the user until the evaluation form is completed. Thus, the second computer 410 in the Moskawitz '002 system is not a computer that is configured to process and validate a rebate claim using rebate claim information, and to then transfer claim status information back to the first computer 406, and the first computer 406 is not configured to communicate rebate claim status information to the customer.

Applicant acknowledges that the secondary Packes '983 reference does relate a rebate system. However, the systems of Moskawitz '002 and Packes '983 are so unrelated that one skilled in the art would not look to the Packes '983 reference to

modify the system and method of Moskawitz '002 as suggested by the Examiner in order to arrive at the invention of independent claims 1 and 27 of the present application.

The system and method of Moskawitz '002 are concerned with enticing a customer to fill out and complete a product evaluation form. Part of the enticement may be a reward or "rebate" in the form of cash or non-cash value. However, this reward is not a manufacturer's rebate that attaches automatically to purchase of a product. The reward is conditional upon the customer completing an evaluation form. Moskawitz '002 may offer a "rebate", but does not provide a system or method further processing or redemption of the rebate. Thus, there is no reason in the Moskawitz system and methodology for a second computer to process and validate a manufacturer's rebate claim with information related to the rebate. For example, there is no reason or motivation in the Moskawitz '002 system to check a database to see if a rebate attaches to a product. There is no reason or motivation to inform a purchasing customer of the status of the rebate claim, and so forth. As emphasized above, with the system and methodology of Moskawitz '002, the "rebate" is an automatic reward to entice a customer to complete an evaluation. The rebate is triggered automatically, and there is no reason to incorporate in the Moskawitz '002 system an independent rebate system wherein a rebate claim is made, rebate claim information is gathered, processed, and validated, and wherein claim status information is conveyed back to a first computer to be presented to the customer.

Thus, for at least the reasons that Moskawitz '002 is not reasonably related to a system for processing a true manufacturer's rebate, one skilled in the art would not look

to another reference concerned primarily with a rebate system, such as the Packes '983 reference, to completely reconfigure the computers (416 and 410) of Moskawitz '002 in accordance with the system and method of independent claims 1 and 27 of the present application. Absent knowledge gained from the present application, there is simply no reason for those skilled in the art to make such a combination of two entirely and fundamentally different references.


Applicant further respectfully submits that independent claim 51 as originally presented patentably distinguishes over the cited combination of references for essentially the reasons set forth above with respect to claims 1 and 27. Absent knowledge from the present application, there is not logical reason for those skilled in the art to completely reconfigure the system of Moskawitz '002 to carry out the method steps set forth in claim 51, as discussed above.

The remaining claims depend directly or indirectly from a respective independent claim, and are allowable for at least the reasons their respective independent claims are allowed.

With the present Amendment, applicant respectfully submits that all pending claims are allowable, and the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should have any questions regarding this matter or require any additional information.

Respectfully submitted,

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